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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/198,751	11/24/1998	MASAYUKI HIGUCHI	SEL-119	2901

7590

08/26/2003

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EXAMINER

TON, MINH TOAN T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/198,751

Applicant(s)

HIGUCHI ET AL. 

Examiner

Toan Ton

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-31, 34-37, 42-45 and 48-81 is/are pending in the application.
- 4a) Of the above claim(s) 9-15, 36 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 16-31, 34-35, 42-45, 48-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Double Patenting***

*\* Applicant has decided not to file a terminal disclaimer at this time. Thus, the double patenting rejection stands.*

1. Claims 1-6, 8, 16-31, 34-35, 42-45, 48-81 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of copending Application No. 09/197767.

See detailed explanations in the previous office action mailed 06-13-03.

2. Claims 1-6, 8, 16-31, 34-35, 42-45, 48-81 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of copending Application No. 09/550598.

See detailed explanations in the previous office action mailed 06-13-03.

***Claim Rejections - 35 U.S.C. § 103***

3. Claims 1, 6, 8, 42-45, 48-52, 54-59, 60-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (US 6002462).

See detailed explanations in the previous office action mailed 06-13-03.

Sato shows the upper surface of the pixel electrode substantially flush with the light absorbing insulating material (see at least Figure 2).

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4. Claims 16-17, 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato as applied to claims 1, 6, 8, 42-45, 48-52, 54-59, 60-70 and further in view of Misawa et al (US 5250931).

See detailed explanations in the previous office action mailed 01-08-03.

5. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato and Misawa as applied to claims 16-17, 22-27, and further in view of Kunii et al (US 5412493).

See detailed explanations in the previous office action mailed 01-08-03.

***Allowable Subject Matter***

6. Claims 2-5, 28-31, 34-35, 53, 71-81 would be allowable if a terminal disclaimer to overcome a double patenting rejection, set forth in this Office action.

***Response to Arguments***

7. Applicant's arguments filed 06-09-03 have been fully considered but they are not persuasive.

**Applicant's only arguments are as follows:**

(1) Sato shows the upper surface of the pixel electrode substantially flush with the light absorbing insulating material.

(2) Sato in view of Shimada can not combined to reject the invention of claims 2-5, 28 31, 34-35, 53, 71-81 (see Applicant's explanations on page 6, last paragraph to page 7, first paragraph).

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Examiner's responses to Applicant's only arguments are as follows:

(1) See at least Figure 2 of Sato. It shows the color filter formed on an entire surface of the electrode 12a/12b, wherein the color filter commonly comprises a light absorbing material.

(2) The arguments/explanations are found persuasive. The rejection of Sato in view of Shimada has been withdrawn.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. Ton whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

August 21, 2003

  
TOANTON  
PRIMARY EXAMINER